

House File 2214

H-8234

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "*Automated traffic law*
7 *enforcement system*" means a device with one or more
8 sensors working in conjunction with at least one of the
9 following:

10 a. An official traffic-control signal, to
11 produce recorded images of motor vehicles entering
12 an intersection against a flashing red light, steady
13 circular red light, or a steady red arrow.

14 b. An official traffic-control signal at a railroad
15 grade crossing, as described in section 321.342,
16 to produce recorded images of vehicles violating a
17 flashing red or steady circular red light.

18 c. A speed measuring device, to produce recorded
19 images of motor vehicles travelling at a prohibited
20 rate of speed.

21 Sec. 2. NEW SECTION. 321.5A **Automated traffic law**
22 **enforcement systems.**

23 A local authority shall not use an automated traffic
24 law enforcement system except as provided in this
25 section.

26 1. A local authority may by ordinance authorize the
27 use of automated traffic law enforcement systems to
28 detect violations of posted speed limits or official
29 traffic-control signals which constitute municipal or
30 county infractions.

31 2. A local authority shall provide signage, in
32 conformance with the uniform system adopted pursuant
33 to section 321.252, giving notice of the use of
34 an automated traffic law enforcement system on the
35 approach to each location where an automated traffic
36 law enforcement system is in use as follows:

37 a. A sign shall be posted on each road on the
38 approach to the next traffic-control signal where an
39 automated traffic law enforcement system is in use.

40 b. A sign shall be posted on the approach to the
41 next speed limit zone on a road where an automated
42 traffic law enforcement system is being used for speed
43 limit enforcement.

44 c. A temporary sign shall be positioned or posted
45 on the approach to each location where a mobile
46 automated traffic law enforcement system is being used
47 for speed limit enforcement.

48 d. A temporary or permanent sign giving notice of
49 the use of an automated traffic law enforcement system
50 for the enforcement of speed limits shall be positioned

1 or posted at a distance in advance of the automated
2 traffic law enforcement system which, in relation to
3 the applicable speed limit, would provide adequate
4 notice to a motor vehicle operator travelling at the
5 speed limit before entering the range of the automated
6 traffic law enforcement system.

7 3. Recorded images produced by an automated traffic
8 law enforcement system evidencing a violation of a
9 posted speed limit or an official traffic-control
10 signal shall be reviewed by a peace officer of the
11 local law enforcement agency to affirm that a violation
12 occurred and the identity of the motor vehicle involved
13 in the violation. If following the officer's review,
14 a notice of a fine or citation is issued to the owner
15 of the motor vehicle involved in the violation, the
16 following requirements apply:

17 a. An affidavit bearing the written or electronic
18 signature of the peace officer shall be included on the
19 notice or citation.

20 b. The notice or citation shall contain a
21 statement, in bold type, regarding the process for
22 appealing the fine.

23 c. The notice or citation shall be sent by ordinary
24 mail to the owner of the motor vehicle involved not
25 more than thirty days following the incident giving
26 rise to the notice of a fine or citation, as evidenced
27 by the postmark.

28 4. A local authority shall not charge the owner of
29 a motor vehicle administrative costs in addition to
30 any civil penalty imposed for a violation detected by
31 an automated traffic law enforcement system. Civil
32 penalties imposed for such violations shall not exceed
33 the following amounts:

34 a. For a violation of an official traffic-control
35 signal, fifty dollars.

36 b. For a violation of a speed limit, the amount
37 of the fine established in section 805.8A for an
38 equivalent speeding violation charged as a scheduled
39 violation, subject to the limitation established in
40 section 331.302, subsection 2, for violation of a
41 county ordinance, or the limitation established in
42 section 364.3, subsection 2, for violation of a city
43 ordinance.

44 5. The owner of a motor vehicle shall not be liable
45 for a violation detected by an automated traffic
46 law enforcement system if a uniform traffic citation
47 was issued to the operator of the motor vehicle in
48 connection with the same violation.

49 6. A local authority that uses an automated traffic
50 law enforcement system shall file annually with the

1 department of public safety a report comparing the type
2 and rate of accidents that occurred at each location
3 where an automated traffic law enforcement system was
4 employed during the previous year to the type and rate
5 of accidents at the same location during the previous
6 consecutive year. The report shall be kept on file and
7 used by the governing body of the local authority in
8 evaluating the effectiveness of the automated traffic
9 law enforcement program in improving public safety.

10 Sec. 3. EXISTING AUTOMATED TRAFFIC LAW
11 ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES AND
12 CITATIONS. Notices mailed or citations issued of
13 violations committed prior to the effective date of
14 this Act, pursuant to a local ordinance authorizing the
15 use of an automated traffic law enforcement system,
16 shall not be invalidated by the enactment of this Act
17 and shall be processed according to the provisions of
18 the law under which they were authorized.>

19 2. Title page, line 1, by striking <prohibiting>
20 and inserting <relating to>

21 3. Title page, by striking line 2 and inserting
22 <systems.>

23 4. By renumbering as necessary.

WENTHE of Fayette